

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

No. 1231

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Introduced by Assembly Member V. Manuel Pérez

February 22, 2013

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An act to add and repeal Section 4686.21 of the Welfare and Institutions Code, relating to ~~autism~~ regional center services.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1231, as amended, V. Manuel Pérez. ~~Autism services: demonstration program.~~ Regional centers: telehealth and teledentistry.

The Lanterman Developmental Disabilities Services Act authorizes the State Department of Developmental Services to contract with regional centers to provide services and support to individuals with developmental disabilities, including autism.

This bill would, until January 1, 2019, require the department to inform all regional centers that behavioral health treatment to treat pervasive developmental disorder or autism may be provided through the use of telehealth, as defined, and that dentistry may be provided through the use of teledentistry, as defined. The bill would require the department to provide technical assistance to regional centers on the use of telehealth and teledentistry and to request those centers to include a consideration of telehealth and teledentistry in individual program plans and individualized family services plans, as specified.

The bill would require providers of telehealth and teledentistry services to maintain the privacy and security of all confidential consumer information. The bill would provide that a consumer may receive behavioral health treatment and dentistry services through the use of telehealth or teledentistry on a provisional basis not to exceed

12 months, as specified, that the provision of a service through the use of telehealth and teledentistry shall be voluntary and may be discontinued at the request of the consumer, and that the consumer may return to his or her preexisting services, as specified. The bill would require the department, on or before December 1, 2017, to forward to the fiscal and appropriate policy committees of the Legislature information provided by the regional centers to assess the effectiveness and appropriateness of providing telehealth and teledentistry services to regional center consumers, as specified.

~~The Lanterman Developmental Disabilities Services Act authorizes the State Department of Developmental Services to contract with regional centers to provide services and support to individuals with developmental disabilities, including autism.~~

~~This bill would declare the intent of the Legislature to enact legislation that would promote the use of technology and telehealth for the delivery of regional center services for individuals with autism spectrum disorders.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. (a) *The Legislature finds and declares all of the*
- 2     *following:*
- 3         (1) *Autism spectrum disorders (ASD) now affect one in every*
- 4         *88 children of all ethnic, racial, and socioeconomic backgrounds.*
- 5         (2) *ASD is now the fastest growing developmental disability in*
- 6         *California and the nation and is more common than childhood*
- 7         *cancer, juvenile diabetes, and pediatric AIDS combined.*
- 8         (3) *Approximately two-thirds of all new consumers who are*
- 9         *entering the regional center system are now diagnosed with ASD.*
- 10        (4) *Behavioral health treatment (BHT), also known as early*
- 11        *intervention therapy or applied behavior analysis, is established*
- 12        *to improve brain function, cognitive abilities, and activities of*
- 13        *daily living for a significant number of individuals with ASD, but*
- 14        *may not be accessible or available in underserved communities.*
- 15        (5) *A significant number of individuals with ASD suffer from*
- 16        *inadequate dental care.*
- 17        (b) *It is the intent of the Legislature to do all of the following:*

1     (1) *Improve access to treatments and intervention services for*  
2     *individuals with ASD or other developmental disabilities and their*  
3     *families in underserved populations.*

4     (2) *Provide more cost-effective treatments and intervention*  
5     *services for individuals with ASD or other developmental*  
6     *disabilities and their families.*

7     (3) *Maximize the effectiveness of the interpersonal and*  
8     *face-to-face interactions that are utilized for the treatment of*  
9     *individuals with ASD or other developmental disabilities.*

10    (4) *Continue maintenance and support of the existing service*  
11    *workforce for individuals with ASD or other developmental*  
12    *disabilities.*

13    (5) *Utilize telehealth and teledentistry to improve services for*  
14    *individuals with ASD and other developmental disabilities.*

15    SEC. 2. Section 4686.21 is added to the Welfare and Institutions  
16    Code, to read:

17    4686.21. (a) *The department shall do all of the following:*

18    (1) *Inform all regional centers that behavioral health treatment*  
19    *may be provided through the use of telehealth.*

20    (2) *Inform all regional centers that dentistry may be provided*  
21    *through the use of teledentistry.*

22    (3) *Request regional centers to include a consideration of*  
23    *telehealth and teledentistry in each individual program plan (IPP)*  
24    *and individualized family service plan (IFSP) that includes a*  
25    *discussion of behavioral health treatment or dental health care.*

26    (4) *Provide, using existing resources, and in partnership with*  
27    *other organizations, resources, and stakeholders, technical*  
28    *assistance to regional centers regarding the use of telehealth and*  
29    *teledentistry.*

30    (b) *The use of telehealth and teledentistry services shall be*  
31    *considered for inclusion in training programs for parents,*  
32    *including, but not limited to, group training programs as described*  
33    *in clause (i) of subparagraph (B) of paragraph (3) of subdivision*  
34    *(c) of Section 4685.*

35    (c) *The department may implement appropriate vendorization*  
36    *subcodes for telehealth and teledentistry services and programs.*

37    (d) *Providers of telehealth and teledentistry services shall*  
38    *maintain the privacy and security of all confidential consumer*  
39    *information.*

1 (e) A consumer may receive behavioral health treatment and  
2 dentistry services through the use of telehealth or teledentistry on  
3 a provisional basis with the consent of the consumer or, as  
4 appropriate, the consumer's parent, legal guardian, or  
5 conservator, as set forth in the consumer's IPP or IFSP. The  
6 provisional period for receiving services through the use of  
7 telehealth or teledentistry shall not exceed 12 months. During the  
8 provisional period, any consumer who receives services through  
9 the use of telehealth or teledentistry may return to his or her  
10 preexisting services, as defined by the consumer's IPP or IFSP,  
11 that were in place prior to the commencement of the telehealth or  
12 teledentistry services, subject to subdivision (f).

13 (f) The provision of a service through the use of telehealth and  
14 teledentistry shall be voluntary and may be discontinued at the  
15 request of the consumer or, as appropriate, the consumer's parent,  
16 legal guardian, or conservator. If, at any time, a consumer or, as  
17 appropriate, the consumer's parent, legal guardian, or conservator  
18 requests to discontinue the provision of a service through the use  
19 of telehealth or teledentistry, the regional center shall convene a  
20 review to determine alternative, appropriate means for providing  
21 the service.

22 (g) On or before December 1, 2017, the department shall  
23 forward to the fiscal and appropriate policy committees of the  
24 Legislature any information provided by the regional centers to  
25 the department to assess the effectiveness and appropriateness of  
26 providing telehealth and teledentistry services to regional center  
27 consumers through the IPP and IFSP process.

28 (h) A provider of telehealth or teledentistry services shall be  
29 responsible for all expenses and costs related to the equipment,  
30 transmission, storage, infrastructure, and other expenses related  
31 to telehealth and teledentistry.

32 (i) For purposes of this section, the following definitions shall  
33 apply:

34 (1) "Behavioral health treatment" has the same meaning as set  
35 forth in paragraph (1) of subdivision (c) of Section 1374.73 of the  
36 Health and Safety Code.

37 (2) "Department" means the State Department of  
38 Developmental Services.

39 (3) "Teledentistry" is the use of information technology and  
40 telecommunications for dental care, consultation, education, and

1 *public awareness in the same manner as described in paragraph*  
2 *(6) of subdivision (a) of Section 2290.5 of the Business and*  
3 *Professions Code.*

4 *(4) "Telehealth" has the same meaning as set forth in paragraph*  
5 *(6) of subdivision (a) of Section 2290.5 of the Business and*  
6 *Professions Code.*

7 *(j) This section shall remain in effect only until January 1, 2019,*  
8 *and as of that date is repealed, unless a later enacted statute, that*  
9 *is enacted before January 1, 2019, deletes or extends that date.*

10 ~~SECTION 1. It is the intent of the Legislature to enact~~  
11 ~~legislation that would promote the use of technology and telehealth~~  
12 ~~for the delivery of regional center services for individuals with~~  
13 ~~autism spectrum disorders.~~